REGIME OF WHITE COLLAR CRIME WITH SPECIAL REFERENCE TO CYBER CRIME IN INDIA

A Synopsis

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INTRODUCTION:

"Technology and crime make deadly combination. We are drenched in silicon and living on borrowed time where technology is the master and humanity its servant. It is said,"....The modern thief can steal more with a computer than with a gun. Tomorrow's terrorist may be able to do more damage with a keyboard than with a bomb"[1].

Cyber crimes have set in a debate as to whether a new legislation is needed to deal with them or existing legal regime is flexible enough to effectively deal with this new form of criminality done by white collared people of high intellect. There is a school of thought that believes that cyber crime are not in any way dissimilar to the ordinary crimes like trespass, larceny or conspiracy with a difference that a computer has been used as a medium or instrument for commission of crime. The other school gives much credence to unique nature of emerging technologies and unique set of challenges, unknown to the existing criminal jurisprudence; such as nature and scope of cyber crimes, internet, and difficulty in locating the offender, jurisdiction and enforcement. It contends that a new comprehensive legislation is needed to deal with the cyber crimes.

Generally, the countries that have shown concern to combat cyber crime have adopted two pronged strategy-to approach computer crime both as traditional crime committed by/on high-tech computers and as a crime unique in nature requiring new legal framework. The phenomenal

[1] 'Computers at risks',(National Research Council, National Academy Press.1991)

growth of Internet has provided new vista for computer crimes. In a survey of 643 computer security practitioners in the U.S. seventy percent reported a variety of serious computer security breaches other than the most common one's of computer viruses, laptop theft or employee 'net abuse'. For example, theft of proprietary information, financial fraud, system penetration from outsides, denial of service attacks and sabotage of data or networks. Ninety per cent of respondent s(primarily large corporations and Government agencies)detected computer security breaches within the last twelve months…..seventy-four per cent admitted to have suffered loss totaled at $265,589,940 and the average total loss over the last three years was $120,240,180.

Responding to an annual security survey ,twenty companies admitted to have suffered a loss exceeding $1 million as a result of computer break ins, software piracy alone amounts to $2.8billion per year, cellular phone companies lost around $650 million in 1996 due to change in software mode in wireless phones by crooks to make free calls.

Another survey conducted on electronic bulletin board service providers reported that 69% of the respondent perceived significant security threats and half of the respondents admitted theft of property of $10,000 or more. What is worst, 18% of the respondents alleged that the computer frauds were committed by a trusted party or insider as against 10% respondents who blamed outsider for fraud.

The present scenario of cyber crime is summed up in the following words:

"Amidst the surging excitement and interest, however, runs a deep thread of ambivalence toward connecting to the internet. The Internet evils twin is the home of "Bad Guys"-hackers, crackers, smackers, stalkers, phone preaks and other creepy web crawlers. Businesses fear that the Infobahn could suddenly change direction into the highway to Hell.

A new generation crime has cropped up by the advent of Internet. Computer hacking, software piracy, Internet paedophilia, industrial espionage, password breaking, spoofing ,telecommunication frauds, e-mail bombing, spamming, pornography and the availability of illicit or unlicensed products and services are offences that have already made their mark. New problems emerging at the scene include credit card fraud, cyber terrorism, cyber laundering and criminal use of secure Internet communications. The present weak electronic system of payment without adequate safeguard is posing a serious risk of unauthorized withdraw from banks and counter money laundering operations. Software piracy is a boom business and video and phonographic industries are sinking day by day globally.

It is now well established that huge amount of money is removed off from one place to another illegally by the computer literate thieves either by damaging computer system or by stealing marketable information or by doing any other unpleasant activity facilitated by network. The question arises what is a computer crime? Neither Indian Penal Code nor IT Act defines it. The recent amendments in the Indian Penal Code make certain acts punishable without directly referring to them as computer crimes. However to define computer crime has experienced many difficulties in other jurisdictions also because there is a considerable disagreement on the ambit and scope of definition. Furthermore, the phrase “computer crime” or “computer misuse”has no precise definition and tends to cover a multitude of computer related offences ranging from unauthorized access to computer and computer stored material, causing damage to computer held information, trafficking in passwords and hacking-friendly technology, manufacturing and selling pirated copies of software and transmission of pornographic material. The term “computer crime” is invariably used with “computer misuse”, “IT crime” or “Cyber crime”. This is the reason that instead of using the expression computer crime, the current trend is to include

computer-related crime. As it is seen in today's time that technology and crime make deadly combination. We are drenched in silicon and living on borrowed time where technology is the master and humanity its servant. Technology by definition is arcane. Cyber crime emerges as a death causing agent in a shrinking world whereby we are all surrounded by an unknown enemy. The fanciful notion of cybercrime is looming larger than ever. It is said, "…..The modem thief can steal more with the computer than with a gun. Tomorrow's experts may be able to do more damage with a keyboard than with a bomb. These prognostications are being realized in the virtual world today where technology touches almost every part of something causing the entire spectrum of humanity, affecting its physical health. Second industrial resolution as it is often called; the technological progress has become a cause to develop or produce a large impressive series of cyber threat- computer glitches computer attacks and cyber terrorism, to name a few. The indicia of technological dependence and faults in one's character are forming in our New World disorder. Indeed the future had come to fruition today. For more than a decade now the human demonology has become acquainted with terms like 'Digital Pearl Harbor', 'Electronic Chernobyl' and 'Digital Waterloo', which in other words indicate the reputation of history , the cyber way . That said, Cyberspace, the convergence and connectivity of network computers have become a play ground of criminals and the internet gives the cyber criminals exclusive opportunities. A new breed of crime is on the rise and must be defended with all possible means, and last but not the least there are handful laws for blue collared crimes in India but just one for white collared cyber criminals, this leaves a serious note for the law makers that will only one law with many loopholes suffice?

Objectives

- To analyze the effect of Knowledge based crime on Civilized Indian society
- To find out its polymorphic evolutionary effect on Indian society
- To analyze that we have handful laws for blue collar crime but only one law for such a polymorphic white collar crime. Will it suffice?

Review of Literature

White Collar crime is defined in different ways by people based on their experiences **Sutherland** defines white collar crime in his book as “a crime committed by persons of respectability and high social status. **Colman** says “a violation of the law committed by a person or group of persons in the course of an otherwise respected and legitimate occupational or financial activity. The FBI defines the term as “those illegal acts which are characterized by deceit, concealment or violation of trust and which are not dependent upon the application or threat of physical force or violence. Individuals and organization commit these acts to obtain money or services or to secure personal or business advantage.

White Collar Crime: In 1949 noted sociologist Edwin Sutherland published an analysis of the misdeeds of seventy of America's largest corporations and their executives. 'White collar crime'- the term he coined to differentiate this form of behavior from the unlawful acts of ordinary folk- quickly became a part of the language as the book virtually became an instant classic. Sutherland's explanations of the origins and dynamics of middle- and upper-class illegality has since been challenged many times, but it remains the fundamental theory to which all later writers on the subject have had to refer to. In the timid climate of the late 1940s, Sutherland's publisher, fearing legal repercussions, required him to remove the names and other identifying descriptions of the corporations and officials involved in the illegal activity, and it is this 'expurgated' version that has been known to the public for many years. Now, in this 'uncut version' of his book, Sutherland's original study- in all its colorful detail and with the names and case studies of offenders- is restored.

John S. Baker : In 2002 in his book **The Sociological Origins of "White-Collar Crime** said that the unauthorized importation of prescription drugs from a foreign country is a federal crime. So is "sharing" copyrighted material without permission. Assisting someone in the commission of a federal crime is also a federal crime. Countless American seniors purchase prescription drugs from Mexican and Canadian pharmacies. Millions of Americans, including teens using family computers, share copyrighted music without paying for it.

He also emphasized further that according to the Department of Justice, "White-collar offenses shall constitute those classes of non-violent illegal activities which principally involve traditional notions of deceit, deception, concealment, manipulation, breach of trust, subterfuge or illegal circumvention." Under that definition, the illegal purchase of prescriptions and music pirating clearly qualify. The Justice Department has recently promoted the idea that enforcement of federal crimes should be uniform. Nevertheless, it is highly unlikely that federal prosecutors will hand down millions (or any) indictments of seniors, parents, and children for these crimes.

Despite the rhetoric, the decision to prosecute is unavoidably discretionary. How do prosecutors determine whom to prosecute? All too often, the choice reflects contemporary politics--and today's criminal du jour is the "white-collar" crook. Yet when most people talk about vigorously prosecuting white-collar crime, they don't mean locking up those who purchase medicine from neighboring countries or pirate music over the Internet, despite the fact that such crimes defraud pharmaceutical and music corporations (and thus their shareholders) of billions of dollars.

What accounts for the difference in treatment? The Justice Department's formal definition of white-collar crime disregards class or economic status. But the truth is that in white-collar cases, such distinctions do influence decisions about whether or not to prosecute. Government

prosecutors are far more likely to indict the "upper-class" businessman who works for Tyco--or the faceless Arthur Andersen partnership--than a middle-class grandmother who buys medications in Canada. This reflects the socialist origin of the "white-collar crime" concept. The war against white-collar crime thus unwittingly stems from and embraces a class-based sociological concept of crime.

"White-Collar crime "The terms "white-collar crime" and its offshoot, "organized crime," reflect a half-century-old movement to remake the very definition of crime. Professor Edwin Sutherland, a sociologist who coined the term "white-collar crime," disagreed with certain basic substantive and procedural principles of criminal law. In his landmark book**,** White Collar crime**,** first published in 1949**,** Sutherland dismisses the traditional mens rea (criminal intent) requirement and the presumption of innocence. He suggests that the "rules of criminal intent and presumption of innocence ... are not required in all prosecution in criminal courts and the number of exceptions authorized by statutes is increasing**."** If nothing else**,** his disregard for age-old foundational principles of criminal law should cast doubt on the balance of Sutherland's work.

Sutherland goes on to construct a class-based definition of "white-collar crime." He is concerned with the alleged perpetrator was, rather than what that person might have done. "White collar crime," says Sutherland, is "crime committed by a person of respectability and high social status in the course of his occupation."With this radical redefinition, Sutherland attempted to drain the word "crime" of its meaning. He made distinctions not on the basis of an act or intent, but according to the status of the accused. Professor Sutherland's supporters have stated:

The term white-collar crime served to focus attention on the social position of the perpetrators and added a bite to commentaries about the illegal acts of businessmen, professionals, and

politicians that is notably absent in the blander designations, such as "occupational crime" and "economic crime," that sometimes are employed to refer to the same kinds of lawbreaking....Even his friends acknowledged that Professor Sutherland was "intent upon ... pressing a political viewpoint...,"and that he did so in a "tone ... reminiscent of the preaching of outraged biblical prophets."

A Presumption of Guilt : Sutherland relies on the claim that both corporate and individual defendants are routinely deprived of the presumption of innocence in criminal proceedings. His corporate examples, however, are nearly all civil and regulatory cases rather than actual criminal prosecutions. Sutherland, perhaps due to a lack of any substantive legal education, conflates all enforcement activity against businesses (such as civil suits and settlement agreements) with criminal prosecution--even where no crime was ever committed. To Sutherland, proof of corporate culpability is unimportant. He justifies his mislabeling by alleging that the powerful--despite the lack of criminal procedure protection that he recognizes and celebrates --receive preferential treatment in the legal system.

Sutherland's updated 1983 treatise on white-collar crime explains: The thesis of this book, stated positively, is that persons of the upper socioeconomic class engage in much criminal behavior; that this criminal behavior differs from the criminal behavior of the lower socioeconomic class principally in the administrative procedures which are used in dealing with the offenders; and that variations in administrative procedures are not significant from the point of view of causation of crime....

Many of the defendants in usual criminal cases, being in relative poverty, do not get good defense and consequently secure little benefit from these rules; on the other hand, the

commissions [that enforce certain commercial regulations] come close to observing these rules of proof and evidence although they are not required to do so.

Sutherland intended to provide a basis for facilitating more convictions of executives and corporations by reconceptualizing crime through the term "white-collar crime." He began by equating the "adverse decisions" of regulatory agencies with criminal convictions. As to people involved in business, Sutherland sought to deemphasize the presumption of innocence and the mens rea requirement to facilitate establishing their criminal liability. Yet what Professor Sutherland called a crime was often only a regulatory violation. Intent is not normally considered in such enforcement actions; thus many of Sutherland's "crimes" may have been inadvertent, unintended acts. Nevertheless, Sutherland was determined to classify such acts as crimes.

Sutherland's influence is clearly evident in the contemporary substance and practice of federal criminal law. Many federal offenses prosecuted under the label of "white-collar crime" are regulatory or public welfare offenses, rather than true crimes. The principal architect of the U.S. Sentencing Commission's guidelines for sentencing organizations cites Professor Sutherland's "social science research," among that of others, to explain the need for the guidelines, namely the "evidence of preferential treatment for white collar offenders."

Stigma without Sin: Often, when convinced that a person or class of persons is guilty of a crime; people become impatient with legal niceties. Sutherland and others who assume the guilt of much of the business world believe that the ordinary protections of the law need not apply to persons involved in business. When such attempts at pre-judgment are directed at any other group--even at terrorists--civil libertarians cry "tyranny." Yet, a civil libertarian outcry in defense of corporate defendants appears most unlikely. Concluding that those engaged in business do not

deserve the presumption of innocence, Professor Sutherland dispensed with the essential (and often most difficult to prove) element of crime: a guilty mind. Although it would be unconstitutional to eliminate the presumption of innocence, Sutherland tries to circumvent this by eliminating the mental element requirement.

Sutherland dismissed the most fundamental principles of criminal law in pursuing his belief that the law unfairly stigmatizes the poor, while it does not stigmatize the rich and powerful enough. Claiming that the law should treat the two classes more equally, he wrote:

Seventy five percent of the persons committed to state prisons are probably not, aside from their unesteemed cultural attainments, "criminals in the usual sense of the word." It may be excellent policy to eliminate the stigma of crime from violations of law by both the upper and the lower classes, but we are not here concerned with policy.

Sutherland did not seek to eliminate the stigma of crime (although dispensing with the intent requirement should theoretically achieve this goal). Rather, he sought to expand it. The concept of "white-collar crime" has ensured that, in the quest for greater egalitarianism, the stigma of crime has been applied against much of corporate America. But before society stigmatizes and punishes a criminal defendant, the rule of law requires that reliable procedures determine the defendant's culpability. Although some academics might wish it were so, it is not a crime to be wealthy or powerful.

By disregarding culpability, Sutherland sought to apply the stigma usually associated with criminal convictions to businesspeople and corporations in non-criminal regulatory proceedings. His book charged that "70 corporations [discussed in his book] committed crimes according to

779 adverse decisions [although] the criminality of their behavior was ... blurred and concealed by special procedures." In Sutherland's view, the complexity of business transactions may make it more difficult to prove criminal activity. But it is equally possible that complexity was evidence that in a particular case no criminal conduct occurred. Without requiring proof beyond a reasonable doubt of a clearly stated criminal intent, there is no basis for distinguishing guilty from innocent actions. When prosecutors indict corporations or their executives for federal crimes, relaxed standards for proving criminal intent result in convictions where actual innocence has been "blurred and concealed."

Traditionally, and for good reason, the stigma of crime attaches only to individuals proven to have been "morally culpable" by virtue of having acted with a guilty state of mind. In Sutherland's view, this traditional protection is an antiquated technicality. Rather, culpability should involve an externalized standard of whether a defendant's acts violated the "moral sentiments" of the people. Of course, as the Supreme Court has forcefully stated, the most basic "moral sentiment" is that society not stigmatize persons as criminals unless they are proven to have a guilty mind.

The contention that an injury can amount to a crime only when inflicted by intention is no provincial or transient notion. It is as universal and persistent in mature systems of law as belief in freedom of the human will and a consequent ability and duty of the normal individual to choose between good and evil. A relation between some mental element and punishment for a harmful act is almost as instinctive as the child's familiar exculpatory "But I didn't mean to,"....

White-Collar's Sociological Echoes Today

Sutherland and his successors greatly expanded the scope of crime by shifting the focus to corporations and individuals in the upper socioeconomic classes. A lawyer-sociologist critic of Sutherland's work, Paul W. Tappan, long ago noted that Sutherland's definition of crime departed from the legal definition. Tappan charged that this development was a "seductive movement to revolutionize the concepts of crime and [the] criminal...." According to Tappan, Professor Sutherland's definition of "white-collar crime" includes "a boor, a sinner, a moral leper or the devil incarnate but he does not become a criminal through sociological name-calling."

The term "white-collar crime" has expanded even further, to include such an array of crime that it has become too amorphous for analysis.Some sociologists, finding even Sutherland's very loose definition "too restrictive," "have dropped the class of the offender as a relevant element."Thus, "white-collar" crime has now become a division of organizational crime. One example is the Justice Department effort to force corporations to waive their privilege against self-incrimination as a condition of pleading guilty. This nascent trend is consistent with and sociologically derived from Sutherland's thesis that "white-collar" criminals are not entitled to the same constitutional protections afforded other defendants. Recently and rather remarkably, the Justice Department has espoused an essentially class-based view of the law in requesting that the Sentencing Commission disallow departures from the sentencing guidelines for "white collar criminal defendants, who typically have sophisticated counsel."

In short, Sutherland's influence continues to this day. Indeed, compared to contemporary theoreticians Sutherland might seem to have been a veritable cheerleader for corporate America. Although mentored by a protégé of socialist Thorstein Veblen, Sutherland "fundamentally was

an advocate of free enterprise," albeit a highly regulated form thereof. At the conclusion of his book, he said that the upper class commit many crimes, but he could not say whether "the upper class is more criminal or less criminal than the lower class, for the evidence is not sufficiently precise to justify comparisons and common standards and definitions are not available."

By contrast and despite a lack of evidence, Sutherland's own protégé, Donald Cressey, has repeatedly preached to college students in his standard college text on Criminology that "the people of the business world are probably more criminalistic than the people of the slums." Cressey's views are influential. He was instrumental in the creation of the "enterprise" concept, at the core of the Racketeer Influenced Corrupt Organizations Act (RICO). Supposedly designed to target "organized crime," prosecutors have used this statute to indict all kinds of corporations, and private parties have used it to sue most major corporations as well as the Catholic Church. All have been labeled "organized criminals." And thus, Sutherland's legacy continues to echo today.

J. Kelly Strader: In 2002 in his book “Understanding White Collar Crime”said defining “White Collar Crime” explained that Criminologist and sociologist Edwin Sutherland first popularized the term “white collar crime”in 1939, defining such a crime as one **“**committedby a person of respectability and high social status in the course of hisoccupation.**”**Sutherland also included crimes committed by corporationsand other legal entities within his definition.1Sutherland’s study of white collar crime was prompted by the view thatcriminology had incorrectly focused on social and economic determinantsof crime, such as family background and level of wealth. According toSutherland’s view, crime is committed at all levels of society and by persons

of widely divergent socio-economic backgrounds. In particular, accordingto Sutherland, crime is often committed by persons operating through large and powerful organizations. White collar crime, Sutherland concluded, hasa greatly-underestimated impact upon our society.Sutherland's definition is now somewhat outdated for students of thecriminal law. As white collar crime began to capture the attention ofprosecutors and the public in the mid-1970s,2the term came to havedefinitions quite different from the one Sutherland used. Indeed, studieshave shown that crimes we generally consider "white collar,"such as securities fraud and tax fraud, are committed not just by persons of "highsocial status"but by people of divergent backgrounds.3Thus,although theterm "white collar crime"is a misnomer, it continues in widespread use.This is probably so because "white collar crime"provides a convenient moni-ker for distinguishing such crime in the public mind from "common"or"street"crime.1 As an alternative to the socio-economic definition, many define "whitecollar crime"based instead upon the manner in which the crime is commit-ted. In 1981, the United States Department of Justice described white collarcrime as[n]onviolent crime for financial gain committed by means of decep-tion by persons whose occupational status is entrepreneurial,professional or semi-professional and utilizing their special occupa-tional skills and opportunities; also, nonviolent crime for financialgain utilizing deception and committed by anyone having specialtechnical and professional knowledge of business and government,irrespective of the person's occupation.4This definition focuses on the use of deception as the criminal means. Thedefendant, however, still must be at least "semi-professional"or have"special technical and professional knowledge."Thus, in some ways, this definition is still too narrow. Not all defendants in white collar cases haveprofessional or semi-professional status, nor do they necessarily possessspecial skills. A defendant in a tax fraud or false claims case, for example, might have neither of these characteristics.Perhaps a better way to

look at white collar crime is to focus on the waysthat practitioners and judges distinguish white collar crime from commonor street crime. A “white collar”prosecutor or defense attorney, for example,would more likely define “white collar crime”as crime that does not:(a)necessarily involve force against a person or property;(b)directly relate to the possession, sale, or distribution of narcotics;(c)directly relate to organized crime activities;(d)directly relate to such national policies as immigration, civilrights, and national security; or(e)directly involve “vice crimes”or the common theft of property.Sometimes the criminal statute itself will render almost all crimescharged under that statute “white collar”by definition. For example,charges brought under the securities fraud and antitrust criminal statutesare generally “white collar”crimes under the above definition. On the otherhand, under some criminal statutes charges can be brought for both whitecollar and non-white collar offenses depending on the nature of the defen-dant’s conduct. For example, conspiracy, extortion, and obstruction of jus-tice are charges often brought in both white collar and non-white collarcases.The most common and notable white collar crimes are covered in the chapters that follow. These include crimes committed both in the corporate and governmental settings, and crimes committed by individuals.It is important to note that not all court cases relating to white collar crime are criminal cases.

Santhanam Committee Report in its finding presented a clear picturesque description that in India the white collar crimes so defined, are mostly rampant among the businessmen, industrialists as well as corrupt officials and private practitioners. Highlighting the magnitude of the crimes in India, the Commission on “Prevention of Corruption” in its report quoted,

“*The advancement of technological and scientific development is contributing to the emergence of ‘mass society’ with a large rank of file and a small controlling elite, encouraging growth of monopolies, the rise of the managerial class and intricate institutional mechanisms. Strict*

adherence to high standard of ethical behavior is necessary for the even and honest functioning of the new social, political and economic processes. The inability of all sections to appreciate this need in full results in the emergence and growth of white collar and economic crimes renders enforcement of all laws, themselves not sufficiently deterrent, more-difficult. Tax evasion and avoidance, share-pushing, malpractices in the share market and administration of companies, monopolistic control, usury, under-voicing or over-voicing, hoarding, profiteering, substandard performance of contracts of constructions and supply, evasion of economic laws, bribery and corruption, election offences and malpractices are some examples of white collar crime."

It was on the basis of the report of this Commission that a new chapter was suggested to include into the Indian Penal Code, 1860 by making amendments to the Act. The motive behind such suggestion was to bring white collar crimes under the purview of the criminal law and at the same time broadly classify the offences that can come under the purview of white collar crimes. The matter was referred to the Law Commission by the Government of India for considering it. However, the Law Commission disagreed with the proposal and observed that such offences which are put under the banner of white collar crimes are to be left to be dealt with by special and self-contained enactments which act as supplement to the basic criminal law. The reason behind that was, as discussed earlier, there have been a lot of debates regarding criminalizing acts constituting white collar crimes.

Gilbert Geis: Through Substantive Criminal Law In 1992, the sociologist, perhaps the most influential scholar of white collar crime since Edwin Sutherland wrote that "no such designation as 'white collar crime' is to be found in the statute books." By this, Geis presumably meant that "white collar crime" is not a category of offenses in substantive criminal law and has no specific

doctrinal significance. But, in fact**,** Geis was only half right. Though its use as such is admittedly rare, there are at least five contexts in which "white collar crime" appears in substantive criminal law. Like white collar crime many views have come regarding cyber crime**,** the british police defines cyber crime as a crime that involves computer network and the cyber criminals are very quick in grabbing the opportunities, it was well said by Shariff that while defining behavior, we should bear in mind that it is related to particular context of time with many influences acting on a individual who are committing the action. Shariff also so said definition of cyber bullying must explain the tools and forms that it has involved to differentiate it from the regular cyber bullying. As the tolls and the forms used to commit a cyber crime will let people know the severity and the mode of crime.

Besley: In 2008 cyber bullying is planned to harm others using the technologies in information and communication by repeated, deliberate and aggressive behaviour of an individual or group.

Vladimir: A article on cyber crime sates that in Russia during 1990 0nly 10-12 cases were filed which were of rowdies and now the two thirds of all the cases lodged are of information stolen and unauthorized access, the technology available to the hackers, the area approachable is very wide in this globalised and web connected world this world, these factors are easing the hackers and are a very big concern for the crime investigators, the economy has become so technical, money becoming more electronically people are finding it very hard get away from cyber bullying,

Krause and Tipton: In 1999 said that the internet has no boundaries, but it also lacks rules and codes of a central authorized which governs it, Internet being widely spread it is very hard to get control on it as it has no regulating worldwide it laws and rules that are meant to stop criminal activities but are lacking to control them as there are no central frame bodies which can prevent

unlawful activities.

Nuemann: In 2001 said the biggest drawback of internet fraud is that it goes unnoticed and unreported but costs business many millions, internet frauds sometimes go unnoticed as they do not affect the daily routine and sometimes they are too small to notice and sometimes people notice such frauds but neglect to complain, getting unnoticed and negligence of people when taken on a large scale will account for a big figure that makes an organization or group of organizations lose so much money.

Skoudis: In 2001 stated that the people given the responsibility to investigate are still learning, this tells us that the investigation departments lack the technology that internet frauds have, they are not technically that intelligent to trace the cheater immediately, the fraud is technically sound in knowledge about the software and every time government finds a solution for the problem, there is a new fraud popping out with a different approach, this makes the government bodies lag behind in decreasing frauds.

Roderic G. Broadhurst, Peter N. Grabosky said that technology advancement has resulted in perfect duplication and publishing of multimedia combinations, print, design and sound which are copyrighted, this are made available for free or at a very low cost these include computer software and movies, which overshadows the creator and push their hard work and creativity into sustainable conditions, there was an instance where a James bond movie The World is Not Enough was put on the internet for free download before the movies actual release. CSI director Patrice Rapalus said in a BBC article that the breach of information security and cyber crime are very vast and diver

Methodology

- The research methodology we will use is the applied research as this is a practical problem that is directly affecting the individuals and organizations, from the above information we have good idea of the cyber crime, and its effects so practical approach will help us in establishing the exact and the required data about the research, it is so important that we bear in mind that the research methodology should be very easy to approach practically and it should give us the exact feedback about what we need making the research to complicated will end up as a disaster.
- The objectives of the research have to be concluded before the research begins to ensure that they are descriptive which illustrates the problem in a very clear and bisected way, and explanatory which will make us understand the problem, causes of the problem and the relationship between the problem and causes. The approach we are going to take is a structured and qualitative approaches we are determined about the objectives, design, sample and questions. This approach has both strengths and weaknesses of its own, we get the exact and prescribed information needed, the drawback is that we could only know the answers about the questions that we are asking as it is not flexible**,** we take into consideration of opinions from the internet users on an online survey**,** we gather and scrutinize information from the articles and we approach officials and the business clients of e-retailing who are frequent victims of the cyber space criminality.
- Analyze the problem and identify different kinds of problems that are created by cyber crime and the consequences that the victims or organizations are facing with these criminal acts on their cyber space

- The sources of the cyber crime have to be analyzed and the motive of the criminals have to be traced from the cases identified and the mode of breaching security systems are to be identified**,** this is to regulate the future security thefts.
- All the cases are understood and the a strategy has been developed to undertake these cases, all the problems are scrutinized and narrowed which made them come on to one platform, this made it very easy for the development of a unanimous solution.
- Finding articles: This helped in finding the latest news articles on cyber crime and the experts comments**,** articles are also a very important resource in the research, the research which we are following will get on to a higher level when the material from the article is included in concluding the approach**,** finding News articles which help us in getting world wide information on cyber crime has helped us know the condition of countries and their strategies on cyber crime**,** this will also help the research to give globalised approach and its adverse effects.
- Enquiring Victims: This research approach will help me find so much information about the fraud or cheating on some ones personal web space, some victims are ready to tell what actually happened**,** that is a big advantage for the research**,** which gives a realistic approach towards this and assumptions made may prove me unrealistic in some cases.

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